

Trenton R. Kashima (CA SBN No. 291405)

**MILBERG COLEMAN BRYSON**

**PHILLIPS GROSSMAN PLLC**

401 West C St., Suite 1760

San Diego, CA 92101

Tel: (714) 651-8845

tkashima@milberg.com

*Attorneys for Plaintiffs*

Robert D. Phillips, Jr. (SBN 82639)

Rachel E K. Lowe (SBN 246361)

Gillian H. Clow (SBN 298966)

**ALSTON & BIRD LLP**

333 S. Hope Street, 16th Floor

Los Angeles, CA 90071

Telephone: 213-576-1000

Facsimile: 213-576-1100

Email: bo.phillips@alston.com

rachel.lowe@alston.com

gillian.clow@alston.com

*Attorneys for Defendant KSF ACQUISITION CORPORATION*

**UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

EMANUEL AVILAAVILA, CAROLE  
SCHAUER, SHEREE SILVA, OMAR  
ALDAMEN individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

KSF ACQUISITION CORPORATION,

Defendant.

Case No.: 2:22-cv-00419-JAM-DB

**STIPULATION AND ORDER TO  
EXTEND THE BRIEFING SCHEDULE  
ON DEFENDANT'S MOTION TO  
DISMISS THE SECOND AMENDED  
COMPLAINT**

Pursuant to Local Civil Rule 143 and 144, Plaintiffs Emanuel Aliva, Carole Schauer, Sheree Silva and Omar Aldamen (“Plaintiffs”), and KSF Acquisition Corporation (“Defendant”) (collectively the “Parties”), submit the following Stipulation.

**RECITALS**

**WHEREAS**, on July 18, 2022, in ECF No. 19, this Court permitted Plaintiffs to file their Second Amended Complaint on or before August 5, 2022 in the above captioned action;

**WHEREAS**, on August 5, 2022, Plaintiffs filed their Second Amended Complaint;

**WHEREAS**, on September 2, 2022, Defendant filed its Motion to Dismiss Plaintiffs’ Second Amended Complaint (ECF No. 22);

**WHEREAS**, per ECF No. 19, Plaintiffs must respond to Defendant’s Motion to Dismiss their Second Amended Complaint by September 16, 2022;

**WHEREAS**, the parties have explored preliminary discussions about a potential resolution of all claims and the parties request more time for Plaintiffs to respond to Defendant’s Motion to Dismiss their Second Amended Complaint.

**WHEREAS**, the parties stipulate to allow Plaintiffs additional time to respond to Defendant’s Motion to Dismiss the Second Amended Complaint.

**WHEREAS**, the parties have not previously requested an extension of the deadline to respond and reply to Defendant’s Motion to Dismiss the Second Amended Complaint.

**STIPULATION**

**THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

1. Plaintiffs’ Opposition to Defendant’s Motion to Dismiss their Second Amended Complaint shall be filed on or before October 7, 2022;

2. Defendant’s reply memorandum shall be filed on or before October 21, 2022.

**IT IS SO STIPULATED.**

Dated: September 14, 2022

/s/ Trenton R. Kashima

Trenton R. Kashima (CA SBN No. 291405)  
**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN PLLC**  
401 West C St., Suite 1760

San Diego, CA 92101  
Tel: (714) 651-8845  
tkashima@milberg.com

**Attorneys for Plaintiffs**

Dated: September 14, 2022

/s/ Rachel E. K. Lowe (as authorized on 9-13-22)

Robert D. Phillips, Jr. (SBN 82639)  
Rachel E K. Lowe (SBN 246361)  
Gillian H. Clow (SBN 298966)  
**ALSTON & BIRD LLP**  
333 S. Hope Street, 16<sup>th</sup> Floor  
Los Angeles, CA 90071  
Telephone: 213-576-1000  
Facsimile: 213-576-1100  
Email: bo.phillips@alston.com  
rachel.lowe@alston.com  
gillian.clow@alston.com

**Attorneys for Defendant KSF ACQUISITION  
CORPORATION**

**IT IS SO ORDERED.**

Dated: September 15, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE